

**OPINION
65-75**

January 15, 1965 (OPINION)

Mr. John A. Alphson

State's Attorney

Grand Forks County

RE: Counties - Offices - Rental

This is in response to your letter in which you advise that the county commissioners are anticipating renting office space in a place other than in the county courthouse to house county welfare offices because of the shortage of space in the present county courthouse. You then ask for an opinion whether or not the county commissioners have authority to rent facilities for the county welfare officials under the circumstances.

The powers of the board of county commissioners are set out in section 11-11-14 of the North Dakota Century Code and subsection 9 thereof provides that the county commissioners shall have the power "to furnish to the county officers the necessary telephone, postage, telephone and telegraph tolls, and all other things necessary and incidental to the performance of the duties of their respective offices to be paid out of the county treasury." This section anticipates that the county commissioners are to furnish the necessary equipment for the county officials to perform their duties.

Considering this section and section 11-10-20 of the North Dakota Century Code, it appears that the county commissioners not only have the power to provide the necessary facilities but also must provide the necessary facilities. Section 11-10-20 provides as follows:

"11-10-20. BOARD OF COUNTY COMMISSIONERS TO PROVIDE OFFICES, COURTROOM, JAIL - WHERE PUBLIC RECORDS KEPT. - The board of county commissioners shall provide a courtroom and jail, and shall provide offices in the courthouse of the county for the sheriff, county treasurer, register of deeds, auditor, clerk of the district court, state's attorney, county judge, county superintendent of schools, and any other officer who has charge of public records. If there is no courthouse in the county or if the courthouse erected has not sufficient capacity, such offices shall be furnished by the county in a suitable building at the county seat, at the lowest rent to be obtained."
(Emphasis supplied.)

While some of the records are not open to the public for inspection or may not be disseminated to the general public, all of the records are nevertheless public records. The county welfare board would come within this provision and if the present courthouse does not have adequate space to house the county welfare board, the county commissioners shall furnish a "suitable building" at the county seat at the lowest rent available. The term "suitable building" includes office space.

It is therefore our opinion that the county commissioners have authority to rent office space at the county seat for the county welfare board if the present courthouse does not have sufficient space to house the offices of the county welfare board.

HELGI JOHANNESON

Attorney General